



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8521 of 2023

1. Subathra

2. Swathi Rathna ... Petitioners/Accused Nos.2 and 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tallakullam,
Madurai City.
Crime No.70/2022.

... Respondent/Complainant

For Petitioner : M/s.THANGAPANDIAN,
Advocate.

For Respondent : Mrs.M.AASHA,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

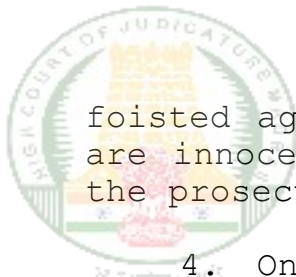
PRAYER :- For Anticipatory Bail in Crime No.70/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498(A) of IPC and Section 4 of Dowry Prohibition Act in Crime No.70 of 2022, seek anticipatory bail.

2. The allegation against the petitioners is that the defacto complainant got married to the first accused, namely, Diwakar, on 17.05.2017. Due to difference of opinion, the defacto complainant filed HMOP No.337 of 2018 for divorce, on the file of the Family Court, Tirunelveli and obtained an ex-parte divorce decree. Thereafter, the first accused along with other accused harassed the defacto complainant. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are in-laws of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with an intention to harass the petitioners, this false case has been



foisted against them. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioners are in-laws and there is a specific allegation levelled against the petitioners. He would further submit that the first accused was arrested and thereafter released on bail and the investigation in this case is not yet completed. Hence, she opposed to grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the facts that it is a matrimonial dispute and the first accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter as and when required;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

/ TRUE COPY /

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/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULLAM,
MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.THANGAPANDIAN Advocate SR.No.7211

ORDER

IN

CRL OP(MD) No.8521 of 2023

Date :04/05/2023

SA/VR/SAR.4/08.05.2023/3P/6C